

March 17, 2015

The Grant County Commission met at 8AM with Commissioners Buttke, Dumann, Mach, Stengel and Tucholke present. Chairman Tucholke called the meeting to order. Motion by Mach and seconded by Stengel to approve the minutes of the March 3, 2015 meeting. Motion carried 5-0. Minutes filed. Motion by Mach and seconded by Buttke to approve the agenda. Motion carried 5-0.

Present from the public were Gerhard TerDenge, TimWeber, David Nelson, Dustin Nelson, Kris Bronson, Jason Kellen, Kate Capp, Duane Hay, Mike Crinion, Mitch Loban, Josh Wendland, Luke Nord, Jared Nord, Jody Kuper, Bobbie Bohlen, Kelly Hummel, Ron Visser, Scott Niedert, Pat Meyer, Keith Welberg, Shirley Wiese, Kenny Wiese, Jacob Moes, Lonnie Nelson, Daniel Gates, Craig Niemann, Todd Thyne, Tony Tillma, Arjan Blok, Dustin Nelson, Ricky Hesser, Jim Farrell, Ty Nordquist, Lowell Boe, Roger Loeschke, Eric Brewster, Josh Karels, Gerry Adolph, Moe Hofer, Jason Mischel, Dan Mikkelson, Tom Adler, Brian Sandvig, Clayton Whiting and Holli Seehafer, Grant County Review.

The Auditor's account with the Treasurer for the month of February was noted.

**AUDITOR'S ACCOUNT WITH THE COUNTY TREASURER**

To the Honorable Board of County Commissioners,  
Grant County:

I hereby submit the following report of my examination of the cash and cash items in the hands of the County Treasurer of the County of Grant as of the last day of February, 2015

Cash on Hand	\$3,106.93
Checks in Treasurer's possession	
less than 3 days	\$12,929.91
Cash Items	\$0.00
<b>TOTAL CASH ASSETS ON HAND</b>	<b>\$16,036.84</b>
 RECONCILED CHECKING	
First Bank & Trust	\$1,164.43
Credit Card Transactions	\$1,775.73
First Bank & Trust (Svgs)	\$3,312,405.87
 CERTIFICATES OF DEPOSIT	
First Bank & Trust	\$0.00
First Bank & Trust (TIF)	\$320,374.43
 <b>TOTAL CASH ASSETS</b>	<b>\$3,651,757.30</b>
 <b>GENERAL LEDGER CASH BALANCES:</b>	
General	\$1,922,810.51

General restricted cash	\$553,152.00
Cash Accounts for Offices General Fund	\$1,605.00
Sp. Revenue	\$231,783.87
Sp. Revenue restricted cash	\$0.00
Henze Road District	\$0.00
TIF Apportioning Northern Lights	\$0.00
TIF Milbank	\$0.00
TIF Northern Lights	\$320,374.43
Trust & Agency	\$622,031.49
(schools 271,658.25, twps 18,351.50, city/towns 43,774.62)	
<b>TOTAL GENERAL LEDGER CASH</b>	<b>\$3,651,757.30</b>

Dated this 10th day of March, 2015  
Karen M. Layher  
County Auditor

The Sheriff's fees were \$4,176.34 for February with \$1,712.00 receipted into the county's general fund. The Register of Deeds fees for the month of February were \$5,237.50. The Clerk of Courts remittance fees for the month of February were \$8,648.15.

**Highway:** Stockholm Township resident John Fox met with the commission to discuss adding a culvert in the SE ¼ Section 3 of Troy Township. Hwy Supt Schultz and Commissioner Tucholke had previously inspected the site and it appears the water flows to the NE to an existing culvert. The site in question for holding water is approximately ¼ of an acre. The second item is a request for a ditch clean out in the NE ¼ of Section 34 in Stockholm Township as sediment has accumulated within the right of way and may be restricting the flow of water through the culvert. Commissioner Tucholke and Hwy Supt Schultz will inspect the site in Section 34.

Vernon Twp Supervisor Lowell Boe was present. The commission reviewed a written request from the supervisors in reference to working on a solution to the water drainage in the W ½ SE ¼ of Section 23. The document requests the commission to not implement the plan by Aason Engineering. The request is for the upper six foot culvert in 483<sup>rd</sup> Avenue to be lowered and replaced with a six foot flat bottom culvert. The group, who signed the request, believes this will solve the water problem. As stated in the letter, the ditches have been cleaned out. They also requested to consider going with the engineer's plan if the culvert plan does not solve the problem.

Lowell asked about the Agri Business grant and if each township could apply for a grant for a shared section line road for each entity to be able to upgrade a mile of road. First District will be contacted on the grant question.

Commissioner Dummann asked Supt Schultz to check on placing a warning sign about a blind approach on County Road 8 by the Dingsor residence as there is considerable traffic on this section of road and the driveway entrance is obstructed. Supt Schultz will review the new sign replacement map to determine what is recommended for this site.

#### BIDS FOR FUEL

DATE	BIDDER	ETHANOL	DIESEL #1	DIESEL #2
02/12	UPI	No Bid	No Bid	No Bid
	Cenex	2.12	2.40	2.10 (70/30 mix)

Cenex was the low bidder for Ethanol at 2.12 and for a blend of Diesel 1 and 2 at 2.40 and 2.10.

**Travel Approval:** Motion by Dummann and seconded by Buttke to approve travel expenses for DOE Kathy Steinlicht and Deputy Ryan Gruba to attend annual conference in Yankton. Motion carried 5-0.

**Cash Transfer:** Motion by Stengel and seconded by Buttke to approve the cash transfers from General Fund as per the 2015 budget. Motion carried 5-0.

FROM	TO	AMOUNT
101 General	201 Highway Fund	461,850
101 General	226 EM Fund	24,000
101 General	229 Domestic Abuse	1,365
101 General	248 24/7	4,304
Total		491,519

**SB 2:** Jay Gilbertson, manager of East Dakota Water District gave a brief overview of the new law implementing the creation of the river basin natural resource districts. The pilot program for this project includes Grant County. Senator Jason Frerichs, the prime sponsor of the bill, will be attending a future meeting of the commission to provide more information.

**General Fund Report:** Auditor Layher discussed the general fund cash analysis report. Under SDCL 7-21-18.1 the law states the general fund undesignated cash balance of the general fund may not exceed 40% of all general fund appropriations

contained in the budget for the next fiscal year. The unassigned cash for December 31, 2014 is \$1,441,196.63 and the percentage is 30.66% of the 40% cash test.

**Tax Deed Sale:** The tax deed sale was held at 9 AM on the first floor of the courthouse. At the public auction the following property was sold.

**Stockholm:** Parcel 22.04.01.09, Legal Description: Lot 9, Block 1, Berg's First Addition, Town of Stockholm. Sold to Moses Hofer for \$25.00.

**Land Lease:** The land lease sale was held at 9:00 AM and the following bids were received:

1. Part of the NW ¼ NW ¼ 33-120-47 (About 15 Acres) Alban Twp. leased to Mielitz Brothers for \$600.00.
2. S ½ NE ¼ of 8-120-51 (40 Acres) Mazeppa Twp. The lease will be offered to John Moes, who has leased the land in prior years.

**Moratorium:** Chairman Tucholke stated the moratorium was passed with good intentions however since then it seems that it has caused more problems to arise and a discussion is needed on whether to rescind the moratorium. The moratorium was intended to allow time for an ordinance review not to stop all CAFO applications. Commissioner Dumann agreed and stated it has been quite a while since CAFO's and setbacks have been reviewed and with dairies becoming larger, maybe it's time to look at the issues. Chairman Tucholke opened the meeting for public comment. He asked anyone who would like to testify for leaving the moratorium in place to speak at this time. The following spoke in favor of leaving the moratorium in place were: Kenny Wiese, Clayton Whiting, Gerry Adolph, Ty Nordquist, Roger Loeschke, Pat Meyer, Kate Capp and Shirley Wiese with the main reason being to allow the review of the ordinance to be completed.

Chairman Tucholke asked members of the public present in favor of rescinding the moratorium to speak. The following people spoke in favor of rescinding the moratorium were: Bobbie Bohlen, Gerhard TerDenge, Kelly Hummel, Arlin Blok, Ron Visser, Jason Mischel, Tony Tillma, Brian Sandvig, Michael Crinion, Kris Bronson, Ricky Hesser, Scott Niedert, Don Gates, Craig Newmann, Luke Nord, Mitch Loban, Dan Mikkelsen, Josh Karels and Tom Adler with reasons given of the moratorium stopping economic development and the economic effect the dairy industry has on businesses and the creation of new jobs.

Chairman Tucholke gave the public the opportunity for rebuttal. Speaking from the public against rescinding the moratorium were Kenny Wiese, Gerry Adolph, and Ty Nordquist. And those speaking in favor of rescinding the moratorium were

Brian Sandvig, Arjan Blok, Gerhard tenDenge, Mike Crinion and Ron Visser. Chairman Tucholke closed the public comment period and asked the commission to give their thoughts. Speaking were Commissioner Dummann who commented on ag easements signed by individuals who move into an agricultural area, small operations being unregulated compared to a large CAFO operating under a state permit and trying to promote harmony within the county. Commissioner Mach commented on growing up on a farm and living on \$2 per hour for a family of nine and asked what is wrong in making \$25 to \$30 per hour and that the commission is committed to doing what is right for the county. Commissioner Stengel commented on the positive aspects he had heard on the economic development aspects as the county needs economic development to grow. He commented he had originally thought a moratorium was the right thing to do, but after hearing from the other side of the issue on the economic development aspects for lifting the moratorium compared to no economic development from the other side, he has changed his mind and now favors lifting the moratorium. Chairman Tucholke called for a motion. Motion was made by Dummann and seconded by Stengel to rescind the moratorium. Motion carried 5-0.

**Zoning Ordinance:** Chairman Tucholke stated that Article XIII was on the agenda in case a discussion was needed at the meeting today. No action taken.

**East Dakota:** Jay Gilbertson from East Dakota Water Development spoke on phone calls he has received on dairy development and water quality. He explained there is a SD DENR water quality monitoring (WQM) site in the area, which is monitored monthly on the west side of Grant County. This monitoring site is located about 1 mile due east of the Bronson facility. Beginning last year, East Dakota Water started collecting additional water samples at this location, visiting the site every other week. East Dakota will increase the water sampling to weekly in 2015. He stated if the commission would be of the opinion to add additional sites for sampling, East Dakota Water would be willing to do this. East Dakota could establish a sampling site upstream of the WQM BSA 1 site and then 1 or 2 sites downstream from the monitoring site. This additional monitoring should produce enough data to access whether or not there is an impact on local resources from the large facilities. Motion by Stengel and seconded by Mach to send a letter to East Dakota Water Development District to request the additional sites above and below the WQM site be established for water sampling. Motion carried 5-0.

**2014 Annual Report:** Auditor Layher presented the 2014 annual report to the Commission. The reporting form to be published lists revenue and expense. Motion by Dummann and seconded by Mach to accept the annual report as

presented and for publication. Motion carried 5-0. The annual report is on file in the Auditor's Office.

**Sheriff:** The commission reviewed the statistics for the month of February for the Detention Center and Sheriff's Office as follows: Average Daily inmate population 3; Number of bookings 13; Work release money collected \$90.00; 24/7 Preliminary Breath Test (PBT) fees collected \$114.00; SCRAM (alcohol detecting bracelet) fees collected \$580.00; 24/7 PBT participants 3; SCRAM (Sobriety Program) participants 4; Calls for Service (does not include walk-in traffic) 44; Accidents investigated 10; Civil papers served 41; Cumulative miles traveled 4213; 911 calls responded to 55. **Travel:** Motion by Mach and seconded by Buttke to approve travel expenses for Sheriff Owen and Deputy Sheriff Jeremy Steffenson to attend the annual sheriff convention in Deadwood. Motion carried 5-0. **Vehicle:** The new 2015 vehicle has been shipped and will be ready to be picked up in approximately two weeks.

**P & Z:** Auditor Layher asked the Commission if the review of the zoning ordinance by the P & Z study group should continue. The commission responded yes.

**Unfinished Business:** None

**New Business:** None

**Correspondence:** The Lake Region District meeting will be held on April 9 at the Day County Courthouse. Commissioners and officials will be in attendance to receive information on the issues pertaining to the offices.

**Consent Agenda:** Motion by Dummann and seconded by Stengel to approve the consent agenda. Motion carried 5-0.

1. Approve Plats:

2015-10

LOT 4, LYLE KRUGER SUBDIVISION, LOCATED IN  
GOVERNMENT LOTS 3 AND 4 AND THE S1/2 NW1/4 OF  
SECTION 2, TOWNSHIP 119 NORTH, RANGE 49 WEST OF THE  
5<sup>TH</sup> P.M., GRANT COUNTY, SOUTH DAKOTA, as described above  
and hereon be approved and accepted and the Chairman is hereby  
instructed to endorse on such plat this resolution and to certify the  
same.

Clayton Tucholke

Chairman, Board of Commissioners  
Grant County, South Dakota

2015-11

LOTS 4 AND 5, GULCK'S SECOND ADDITION, LOCATED IN THE NE¼ OF SECTION 11, TOWNSHIP 120 NORTH, RANGE 49 WEST OF THE 5<sup>TH</sup> P.M., GRANT COUNTY, SOUTH DAKOTA, as described above and hereon be approved and accepted and the Chairman is hereby instructed to endorse on such plat this resolution and to certify the same.

Clayton Tucholke  
Chairman, Board of Commissioners  
Grant County, South Dakota

2015-12

LOTS 1 AND 2, DELBERT BREDE ADDITION, LOCATED IN THE SW1/4 OF SECTION 36, TOWNSHIP 121 NORTH, RANGE 47 WEST OF THE 5<sup>TH</sup> P.M., GRANT COUNTY, SOUTH DAKOTA, as described above and hereon be approved and accepted and the Chairman is hereby instructed to endorse on such plat this resolution and to certify the same.

Clayton Tucholke  
Chairman, Board of Commissioners  
Grant County, South Dakota

2. Approve selling the 1988 Ford truck sander and plow at the Farrell Auction on March 30
3. Declare surplus and sell at Farrell Auction on March 30 a 1975 Lowboy trailer Model 1240 - FLSSF
4. Approve step increase for Treasurer Deputy Sally Heinje to 6 month rate of \$14.90 per hour effective 3-22-15
5. Approve Memorandum of Understanding (MOU) with SDSU Extension for 4-H program
6. Approve 4-H Promotion and Expansion Committee Roster of Sam Jarman, Sharon Folk, Sandy Christensen, Bill Steinlicht, Shawn Stemsrud, Chase Pinkert, Amy Van Lith, Jeff Loutsch, Mary Kinder, Dale Tuchscherer, Lowell Boe and Joan Czmowski
7. Approve re-appointment of Library Board members Diane Pillatzki, Marge Bohn and Dusty Mueller for a 4 year term through 2018

**Claims:** Motion by Mach and seconded by Stengel to approve the claims as presented. Motion carried 5-0. A-OX WELDING, cylinder rent 32.86; AMERICAN LIBRARY ASSOC, dues 172.00; AVERA MCKENNAN, prisoner

care 327.00; AVERA MCKENNAN HOSPITAL, prisoner care 626.00; AVERA MED GROUP HOSPITALISTS, prisoner care 270.16; AVERA RADIOLOGY, prisoner care 50.00; BECK MOTORS, vehicle 32,759.00; BERENS, supplies 189.36; BERNIECE FOLK, supplies 193.39; BORNS GROUP, postage 2,787.43; BRENDA L HOLTQUIST, prof serv 80.50; BUTLER MACHINERY, parts 471.41; CENTURYLINK, phone 586.75; CHS, gas & diesel fuel 4,396.54; CITY OF WATERTOWN, 911 surcharge 6,285.20; COLONIAL RESEARCH CHEMICAL, supplies 130.10; CRAIG DEBOER, car wash usage 21.04; CREATIVE CO, books 343.44; DELORIS J RUFER, rent 100.00; DEMCO, supplies 201.87; DESIGN ELECTRONICS, tapes 5.99; DEUTSCH PRINTING, subsc 45.00; APEX CLEANERS, prof serv 35.00; FLOWER SHOPPE, supplies 45.00; G & K SERVICES, supplies 234.68; GESSWEIN MOTORS, prof serv 44.52; GRANT CO SHERIFF, postage 7.19; GRANT CO REVIEW, publishing 497.16; GRANT CTY CONSER DIST, alloca 7,000.00; HARMELINK, FOX & RAVNSBORG, prof serv 143.00; HARTMAN'S, prisoner groceries 257.36; HEDAHLS, parts & supplies 81.64; INGRAM, books & AV 1,241.39; INTER-LAKES COMM ACT, worker 2,203.58; ITC, 911 & phone 1,215.11; GOLDEN HORSE LTD, book 14.12; KAREN M. LAYHER, reimburse 1,000.00; LABOLT DEVELOP, lib rent & internet 70.00; LAKER CHEMICAL, supplies 96.00; TRAPP PLUMBING, repair 441.66; LEWIS FAMILY DRUG, supplies 2.99; LOCATORS AND SUPPLIES, supplies 84.32; MCLEOD'S, supplies 1,918.99; MICROFILM IMAGING, scanner rent 307.00; MIDAMERICA BOOKS, books 327.05; MIDCONTINENT COMM, internet 68.90; MILBANK AUTO PARTS, parts & supplies 238.86; MILBANK FORD & MERCURY, parts 51.23; MILBANK LUMBER, supplies 24.95; MILBANK WINWATER, supplies 7.86; MT LIBRARY SERVICES, books 351.00; NORTHERN TRUCK EQUIP, seal kit 192.00; NORTHWESTERN ENERGY, nat gas 788.33; NOVAK SANITARY SERVICE, shredding service 35.70; OFFICE PEEPS, supplies 180.93; OTTER TAIL POWER CO, electricity 3,387.35; RC TECHNOLOGIES, 911 & tower rent 95.96; REGENCY –RAPID CITY, rooms 510.00; RUNNINGS, supplies & parts 339.69; SCHUNEMAN EQUIP, parts 39.16; SDACCO, regis & CLERP 1299.00; SD DEPT OF REVENUE, lab 210.00; SD STATE HIST SOC, membership 35.00; SDAAO, regis 250.00; SD SHERIFF ASSOC, regis 170.00; SEEHAFFER HARDWARE HANK, supplies 54.37; ST WILLIAMS, LEPC meals & prisoner laundry 196.20; SD PROPERTY SURPLUS, supplies 425.23; STATE OF SD-SDSU, redbooks 24.00; STURDEVANTS, parts & supplies 75.84; SUMNER DIESEL, parts 97.49; TACTICAL TECHNOLOGIES, equip 2,628.00; TOWN OF STRANDBURG, rent 293.00; QUICK PRO LUBE, oil chg 39.00; TREVETT'S CAFÉ, prisoner meals 378.00; TWIN VALLEY TIRE, tires & service 2,154.30; TYLER COMPUTER, supplies 358.00; UNIVERSITY PSYC PHYSICIAN,



prisoner care 76.94; VALLEY SHOPPER, ad 48.30; VERIZON, hotspot 38.52; VISA, books & gas 373.49; WATERTOWN IRON & METAL, iron 388.57; WHETSTONE VALLEY ELECTRIC, electricity 954.30; WILLIAM E COESTER, prof serv 40.00; WITTROCK & SON, garbage service 159.00; XEROX, copier rent 905.32; ZOLL MEDICAL, supplies 901.81. TOTAL: \$86,228.40.

SD DEPT OF REVENUE, sales, excise & use tax 210.01; SDACO, ROD Modernization fee 154.00; SD ATTORNEY GEN, SCRAM fee 580.00. TOTAL: \$944.01.

It is the policy of Grant County, South Dakota, not to discriminate against the handicapped in employment or the provision of service.

The next scheduled meeting dates will be April 7 and 21, 2015 at 8 AM. Motion by Stengel and seconded by Buttke to adjourn the meeting. Motion carried 5-0. Meeting adjourned.

---

Karen M. Layher, Grant County Auditor

---

Clayton Tucholke, Chairman, Grant County Comm.